

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
BRANDON GRANT,**

Plaintiff,

**9:17-cv-1224
(GLS/CFH)**

v.

**KOPP, Correction Officer,
Shawangunk Correctional
Facility,**

Defendant.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

**BOTTAR, LEONE LAW FIRM
120 Madison Street
Suite 1600
AXA Tower II - 16th Floor
Syracuse, New York 13202**

AARON J. RYDER, ESQ.

FOR DEFENDANT:

**HON. LETITIA JAMES
New York State Attorney General
The Capitol
Albany, New York 12224**

**HELENA O. PEDERSON
Assistant Attorney General**

**Gary L. Sharpe
Senior District Judge**

ORDER

The above-captioned matter comes to this court following a Report and Recommendation by Magistrate Judge David E. Peebles duly filed on

January 3, 2019. (Dkt. No. 45.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Report and Recommendation for clear error, it is hereby

ORDERED that the Report and Recommendation (Dkt. No. 45) is **ADOPTED** in its entirety; and it is further

ORDERED that plaintiff's remaining claim in this action is barred by the Prison Litigation Reform Act of 1996 based upon his failure to exhaust available administrative remedies before commencing suit and that his remaining claim in this action is **DISMISSED WITHOUT PREJUDICE** as set forth in the Report and Recommendation, (Dkt. No. 45 at 24-26); and it is further

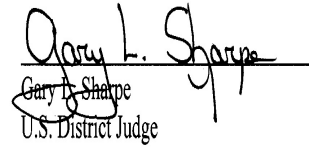
ORDERED that plaintiff's complaint (Dkt. No. 1) is **DISMISSED**; and it is further

ORDERED that the Clerk is directed to close this case; and it is further

ORDERED that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules.

IT IS SO ORDERED.

January 30, 2019
Albany, New York



Gary L. Sharpe
U.S. District Judge